

THE CORPORATION OF THE TOWNSHIP

OF TEMAGAMI

BY-LAW NO. 93-322

Being a by-law to regulate hawker and peddlars.

WHEREAS The Municipal Act, Section 234 (1), Chapter M.45, R.S.O. 1990 provides that municipalities may by by-law license and regulate hawkers and peddlars, and,

WHEREAS the said Municipal Act, provides that municipalities may by by-law license, regulate and govern vehicles from which refreshments are sold for consumption by the public, and for revoking such license and,

WHEREAS the said Municipal Act, provides that municipalities may by by-law regulate or prohibit the vending of merchandise upon municipal streets,

THEREFORE the Council of the Corporation of the Township of Temagami enacts as follows:

1. All sections of 234 of the Municipal Act is to be incorporated and enforced under this By-law.

2. LICENSES

a) Requirements

Subject to the exceptions contained in Section 234 (1), Paragraph 1 (a) of the Municipal Act, R.S.O. 1990, Chapter M.45, no person shall go from place to place or solicit by telephone, to a particular place in the Township of Temagami with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards, or sold at the door or at a site, without first procuring a license from the Township of Temagami which license shall be for the calendar year in which issued and shall expire on the 31st day of December in each year.

b) Fees

SCHEDULE 'B'

The penalties applicable to Contraventions of this by-law,

- a) For Contravention of Section 1, failure to procure a license:
 - a sum equal to the license fee that should have been paid, plus a sum of not more than \$200.00.
- b) For Contravention of any other clauses of this by-law:
 - a sum of not more than \$200.00, and/or revocation of the license.

SCHEDULE 'A'

The fee to be paid for a Hawkers and Peddlers License shall be:

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| a) Mobile lunches | -\$150.00/year |
| b) French fried potato vehicles | -\$150.00/year |
| c) Fruits and vegetables by other than grower | -\$150.00/year |
| d) Itinerant Salesman, (door to door) | -\$150.00/year |
| e) Any vehicle or trailer fitted or able to be fitted with a wheeled under-carriage, used for selling any food, goods, wares or merchandise. | -\$150.00/year |
| f) Vaccum sales. | -\$150.00/year |
| g) Any adventure in trade, falling under Section 2a of this bylaw. | -\$150.00/year |

The sums payable for a Hawkers and Peddlars license in the Township of Temagami are hereby appended as Schedule A attached to this by-law.

3. EXCEPTIONS

a) Any servant or employee of a principal who is exempt from procuring a license under this By-law shall exhibit his authority when required so to do by any municipal or peace officer.

b) In a prosecution for breach of this by-law, the onus of proving that a person does not require a license is upon the person charged.

4. APPLICATION FOR LICENSE

a) Every applicant for a Hawkers and Peddlars License shall as part of his application for such license furnish a statement in writing containing a full description of the goods, wares or merchandise which he proposes to sell, or offer for sale under such license.

b) Every applicant for a Hawkers and Peddlars License shall as part of his application for such license furnish a statement in writing containing a full description of the property upon which such business shall be carried out, giving the street address, lot and plan number, except where the business to be carried on is door to door. No Hawkers and Peddlars License permits the display, or sale by retail, of any goods, wares, merchandise or of any food or refreshments sold for consumption by the public on any highway or street or municipality owned parking lot in the Township of Temagami without the written permission of the Council of the Township of Temagami.

5. LICENSE ON DISPLAY

a) The licensee shall at all times while carrying on his business have his license with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so is guilty of an offence, unless the same is accounted for satisfactorily, and on summary conviction is liable to a fine of not less than \$100.00 and not more than \$2000.00.

b) If a peace officer demands the production of a license and the demand is not complied with, it is the duty of the peace officer and he has power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to law.

6. PENALTY CLAUSE

Every person who carries on the business of a Hawker or Peddler without a license, or is in contravention of any of the clauses of this by-law, is guilty of an offence and on conviction is liable to a fine, as set out in Schedule B attached hereto.

7. By-law 69-33 is hereby rescinded.

Read a first and second time this 8th day of July, 1993.

Read a third time and finally passed this 8th day of July, 1993.



REEVE



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